

# Meeting Minutes

## July 15, 2004

### Town of Los Altos Hills

#### City Council Regular Meeting

Thursday, July 15, 2004 6:00 P.M.

Bullis School Multi-Purpose Room, 25890 Fremont Road

#### 1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor O'Malley called the Regular Meeting of the City Council to order at 6:05 p.m. in the Bullis School Multi-Purpose Room at Town Hall Temporary Offices.

Present: Mayor Mike O'Malley, Mayor Pro Tem Breene Kerr, Councilmember Emily Cheng, Councilmember Bob Fenwick, and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, Assistant City Attorney David Warner, Planning Director Carl Cahill, Acting City Engineer/Director of Public Works Dave Ross, Administrative Services Director Sarah Joiner and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Cheng and passed unanimously to limit the length of time for public comments to three minutes.

City Manager Cassingham stated that staff is asking Council to consider the addition of an agenda item as an urgency matter. The item has come to the attention of the Town after the publication, noticing and distribution of the Council meeting agenda and has a time sensitivity requirement. Cassingham explained that the Town has received a request from the Town of Tiburon for an amicus curiae letter and staff would like this considered by Council as Item 6.4.

PASSED BY CONSENSUS: passed unanimously to agendize the request for an amicus curiae letter from the Town of Tiburon as Item 6.4.

#### 2. APPOINTMENTS AND PRESENTATION

None

#### 3. PLANNING COMMISSION REPORT

None

#### 4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by Warshawsky and passed unanimously, to approve the consent calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting July 1, 2004
- 4.2 Review of Disbursements: 06/24/2004 – 07/08/2004 \$651,775.20
- 4.3 Dedication of Right-Of-Way; Lands of Scrampi, 25550 Moody Road
- 4.4 Grant of Conservation Easement, Lands of Scrampi, 25550 Moody Road
- 4.5 Report on 911 Fees
- 4.6 Notification of Fast Track Approval: Request for a Site Development Permit for a 2,707 square foot Bunker/Basement and a Secondary Dwelling Unit; Lands of Jayco Investments LLC, 26535 Altamont Road (21-04-ZP-SD-GD)
- 4.7 Notification of Fast Track Approval: Request for a Site Development Permit for a 5,212 square foot New Residence with a 1,560 square foot Basement (maximum vertical height 26'8"); Lands of Arumilli, 27933 Baker Lane (36-04-ZP-SD-GD)

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Complete Town Hall On Time and On Budget

5.1.1a TBI Update

Tony Mirenda, TBI Construction Management, addressed Council. He described their recent efforts for project budget reconciliation and the review and revision of bid packages. The re-bid packages included post June 8 bid opening plan check comments and revised detailed scope (s) of work to ensure comprehensive bids. Mirenda reported that the re-bid had been very successful and that they are recommending to award bids to sixteen (16) bid divisions. He distributed a matrix (spreadsheet) that outlined the recommended awards, recommended bidder, original bid amounts and the re-bid results.

Mirenda identified the alternate pricing items that had been discussed and reviewed with the architect. He noted that all contracts that include alternate pricing items that were being considered for approval were being recommended by TBI and Duxbury Architects.

Mirenda reported that the original bid results were approximately \$600,000 over budget. the re-bid has drastically reduced that amount to approximately \$173,000. He deemed this very positive in the present construction climate for public projects. Mirenda added that they have re-worked the overall project budget to include these new contract amounts

for the revised bids, all soft costs, donor wall costs and a budget contingency of \$150,000 for a total projected budget of \$4.2 million.

Mayor Pro Tem Kerr explained that if the budget contingency and donor wall costs of approximately \$60,000 were subtracted, the overall budget would be approximately a little under \$4 million. Mirenda concurred.

Mirenda updated Council on the status of the project noting that the demolition of the old Town Hall is complete and grading of the site will begin next week. He described the foundation and soils stabilization process that had been designed by the geotech consultant for the new buildings. Mirenda explained that the revision for this part of the construction had generated a considerable cost savings for the project. An additional cost savings change will be the use of a cement fiber material that simulates wood for the skin of the building.

#### 5.1.1b Award of Contracts for New Town Hall Project

Discussion included in Item 5.5.1a.

Mayor O'Malley explained that the New Town Hall Committee including himself, Councilmembers Cheng and Warshawsky and Mayor Pro Tem Kerr had reviewed the re-bids, contracts, and engaged in extensive discussions and examination of the project with the architect and TBI at their regular meeting last night. O'Malley noted that the re-bid and efforts of value engineering and alternate materials had managed to bring the project costs closer to the original estimated budget without sacrificing the look or integrity of the design of the new Town Hall.

Mayor Pro Tem Kerr noted that the increase in the costs of the project had been driven by the surge in the construction industry activity and rising material costs. He added that he is of the belief that TBI had done everything they could to value engineer the project and congratulated them on their efforts.

**MOTION SECONDED AND CARRIED:** Moved by Kerr and seconded by Cheng and passed by the following roll call vote to approve Resolution 45-04 and award the contracts for the New Town Hall for bid divisions 3, 4A, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 19 to the specified firms identified in the Resolution.

|          |  |
|----------|--|
| AYES:    | Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Cheng,<br>Councilmember Fenwick and Councilmember Warshawsky |
| NOES:    | None   |
| ABSENT:  | None   |
| ABSTAIN: | None   |

#### 5.1.1c Financing Options for New Town Hall Construction

Reordered to permit additional time for discussion. Presentation to follow Item 10 Presentations from the Floor.

Administrative Services Director Sarah Joiner introduced this item to Council. She noted that the City Council had discussed methods of financing the new Town Hall project at the Special Meeting of January 29, 2004 and at the Regular Meeting of February 5, 2004. Several methods were considered: paying for the project out of reserves, paying for all or a portion of the project with the issuance of Certificates of Participation or by means of a lease/purchase agreement, and paying for the project with reserves and approving a Reimbursement Resolution. On February 5, 2004, Council approved a Reimbursement Resolution by which it reserved the right to issue either Certificates of Participation or a financing lease to pay for the new Town Hall project. At the meeting of June 16, 2004, Council scheduled this matter for further consideration.

Joiner introduced Mr. Bill Fawell to Council, explaining that he had agreed to provide information to Council concerning Certificates of Participation and lease/purchase arrangements. Mr. Fawell is President of W. J. Fawell Co., a financial advisory firm specializing in arranging privately placed and publicly issued tax exempt financing for local government agencies.

Mr. Fawell addressed Council. He presented a brief overview of his background, qualifications and company profile. He noted that two of his northern California clients included the Town of Woodside and the Town of Portola Valley. He explained that the information he was presenting this evening was for general discussion purposes of the financing options being evaluated by Council.

Council had before them an outline for tax exempt financing prepared by Fawell. He reviewed the two major forms of tax-exempt financing - private placement and public sale explaining the advantages and disadvantages of each and the issuance cost comparison. Fawell estimated that the public sale scenario would cost approximately \$125,000 and the private placement would cost an estimated \$27,000. Both estimates did not include any legal review by the City Attorney. Fawell noted that the private placement would be easier to restructure in the event of a major disaster. He explained the debt service schedules for private placement for amounts of \$2 million, \$3 million and \$4 million with fifteen (15) and twenty (20) year terms, adding that the interest rates are very competitive at this time. Fawell clarified for Council the prepayment option for private placement, noting that generally it is a five (5) year "no call period" with a prepayment initial premium of 2 % that would reduce to approximately .5%. Fawell explained that a private placement could be funded in approximately thirty days from the date of City Council approval.

#### OPENED PUBLIC COMMENT

Jean Mordo, Planning Commissioner, commented that he would evaluate the option of borrowing to pay for the new Town Hall by comparing the difference between what the Town is earning on their reserve funds to the cost of borrowing. The cost of borrowing could be considered an insurance premium. Mordo noted that a perspective that no one has mentioned is the belief that if money is available, government will spend it and small is better. He dismissed this by adding that the Council is very responsible and he likes the option of having money in the bank for infrastructure projects.

Frank Lloyd, Finance and Investment Committee, explained that he is of the opinion that the decision to borrow money is a policy decision. If Council wants to spend money on costly projects then borrowing money at a low interest rate makes sense, however, he believes that Council has the money in the reserves to fund the Town Hall project without borrowing.

Lalla Stark, Finance and Investment Committee Chair, explained that the vote of the Finance Committee had been to recommend that Council pay for the project from the Town's reserves. Stark added that she would like to wait before borrowing funds and to revisit the financing decision when the project is underway.

#### CLOSED PUBLIC COMMENT

Council discussion ensued.

Councilmember Warshawsky noted that originally he was against borrowing funds but after giving consideration to comments of Councilmember Fenwick during earlier discussions of financing for Town Hall, he concurs that it is important for the Town to have money in the bank to do the work of government.

Councilmember Cheng explained that she would like to take a more conservative approach and not borrow money if it is not needed and that the present reserves do not warrant borrowing at this time.

Councilmember Fenwick commented that Council had discussed the financing of the new Town Hall several times over the past year and his opinion had not changed. He favors borrowing \$3 million (private placement). This would allow the Town to move forward with other projects without the stigma of feeling "broke" and would spread a part of the responsibility of paying for the project to future users.

Mayor Pro Tem Kerr agreed that the new Town Hall is a long-term capital asset that warrants borrowing funds for and he would like to move forward with the loan and capture the low interest rates. This decision would maintain cash reserves and permit future Councils to undertake projects for the public good. Kerr suggested consideration of a \$2 million private placement.

Mayor O'Malley noted that with interest rates at this level, it was a relatively low cost to have a reserve fund. He agreed that it was prudent to borrow \$2 million for fifteen years (15) noting that the Town is very cautious with their reserves. O'Malley explained that after five years, if the Town has a surplus of cash, they can pay it off.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to direct staff to check the references of Mr. Fawell and request Mr. Falwell to bring back for Council consideration a proposal for financing \$2 million for fifteen (15) years.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Fenwick and Councilmember Warshawsky  
NOES: Councilmember Cheng  
ABSENT: None  
ABSTAIN: None

#### 5.1.2 Identify and Fund Underground Project

Councilmember Warshawsky reported that the Undergrounding Subcommittee would meet on July 19th and he was looking for direction from Council on the criteria that should be considered in the selection of the street for the undergrounding pilot project.

Council discussed a variety of criteria suggestions. Councilmember Fenwick suggested that cost should be given priority status. He suggested that the budget could be divided into thirds with the one-third being paid by the residents of the street, one-third by the Town and one-third from Rule 20A funds. Mayor Pro Tem Kerr concurred that the cost of the project may be prohibitive and that any means of mitigating the costs should be investigated. The pilot neighborhood will have use of the PG&E funds, which could diminish or deplete the Rule 20A fund for future neighborhoods. Councilmember Cheng added that she would like to see if it would be conceivable for residents of the selected street to share in the costs with a more significant share of the budget. Mayor O'Malley noted that he would like to see a street selected where the utilities serve the largest number of residents then not only would the residents on the street benefit from the undergrounding of the lines but residents who receive their utilities and services from this source would benefit. He would support a neighborhood's willingness to participate in the cost but believed it should not be the primary factor in selecting a pilot project neighborhood.

Councilmember Warshawsky thanked Council for their input and he will share their comments with his Subcommittee at their next meeting.

#### 5.1.3 Complete Master Pathway Map

##### 5.1.3a Presentation of Draft 2004 Master Path Map-Dick Cassam, Pathways Committee Member

Dick Cassam, Pathways Committee member, addressed Council. He presented a brief summary of the Committee's efforts on the Pathways map. Council had before them a copy of the map titled "Town of Los Altos Hills – 2004 Master Path Plan (In Progress)" dated 07/15/04 and a matrix of recommendations. The map is a schematic of paths that the Committee has identified and recommend for retention, change, removal or addition. Cassam noted that the Pathways Committee has limited their scope of review to off-road pathways and no easements are being considered. He explained that he was before Council tonight to request approval from Council for the Committee to move forward to the next phase of revising the map. The Committee will be seeking public opinion and input on the map. Public information meetings have been scheduled for August 30, August 31 and September 1. A town-wide mailing of the meeting dates that will identify

the sectors to be discussed at each session will be mailed the first week in August. In addition to this notice, maps will be sent to all residents within 300 feet of a proposed new path, the draft map will be posted on the Town's website and copies will be made available to anyone who requests a map from Town Hall.

Cassam explained that after the public information meetings with the Committee are completed, the Pathways Committee will incorporate the public input into the map and a revised version – Version #2 of the draft Master Path Map will be forwarded to the Planning Commission for their review process and public information meetings in late September.

Cassam added that at the end of this process, the new walking pathways map would be ready for publication.

Councilmember Warshawsky commended that Pathways Committee for all of the hours of meetings and efforts that had contributed to this process and produced the draft map. Warshawsky asked Council for their comments on the meeting schedule and distribution plan that had been presented by the Pathways Committee.

Planning Director Cahill clarified for Council that the path map being discussed at this time is not a General Plan amendment, it is a series of public hearings and the City Council will be the body to ultimately approve the amendment to the Master Path Map.

#### OPENED PUBLIC COMMENT

Les Earnest, Pathways Easement Group, expressed his belief that the sectors (segments) that are being proposed for discussions are too large and should be done in small pieces with the hearings before the City Council. He believed that the map has too many errors and should not be copied or posted at this time.

Jim Abraham, Viscaino Road, recommended that the map be posted on the Town's website tomorrow morning. This will be a considerable savings to the Town.

Ginger Summit, Pathways Committee Vice Chair, explained that there have been two groups working on the map: the Ad Hoc Easement Group, whose purpose has been to correct the flaws and errors and they have been working every week with the map for the last year and a half; and the Pathways Committee. She explained that the map is still a work in progress and the Pathways Committee has been working towards making recommendations for the map. The hearings are an opportunity for public input and for the residents and Committee to work collaboratively in defining the paths. Summit reiterated that it is important to look at the map as a work in progress and to be flexible to changes and corrections.

Sandra Jensen, resident, commented that she would like timely noticing of public hearings. She does not believe that two weeks is enough time.

Dot Schreiner, Saddle Mountain Drive, wanted Council to understand that the map is a schematic circulation pattern based on some of the easements that have been identified and proposed new routes. In addition to this map, there is a map done with greater detail

that will be a working map for staff and the Pathways Committee to review when projects are submitted for review.

Patty Ciesla, Moody Court, commented on all of the hard work that has been done by the Pathways Committee and the Easement Group and noted that she is very appreciative. She explained that she has just completed a GIS project that incorporated the Town's pathways map for a course at Stanford for her Masters Degree program. She offered the data to the Town but explained that the Town needs additional software. Ciesla brought a version on her laptop and would share with anyone that was interested in seeing it. She believed it was important to review the path map over geographical elevations before any final decisions are made.

#### CLOSED PUBLIC COMMENT

Council briefly discussed the review process that had been presented by the Pathways Committee.

**PASSED BY CONSENSUS:** Passed unanimously by the Council to move forward with the Pathways Committees recommendations for the review process of the Draft 2004 Master Path Map as presented.

#### 5.2 Discussion of City Council Meeting Schedule – Balance of 2004

Council agreed to revisit the discussion of this item at their August 19<sup>th</sup> meeting.

### 6. NEW BUSINESS

#### 6.1 Consideration of a Request for a One Year Extension of a Tentative Map, Lands of Horton; Chaparral Way (APN: 182-25-015), 8-01-TM-ND-GD

Planning Director Carl Cahill introduced this item. He explained that the tentative map was conditionally approved by the City Council on July 18, 2002 and the approval expires on July 18, 2004. The property owners have requested an extension of the tentative map approval. Pursuant to the Subdivision Ordinance, the City Council is authorized to extend the time for the acceptance of the final map for a period not to exceed twelve (12) months.

Cahill added that the applicant is requesting the extension because not all of the conditions for map approval have been met. The subdivision improvement plans require extensive time-consuming engineering and review given the steep terrain and geotechnical and site drainage issues. The applicant has also applied for a conditional exception with regard to street retaining wall height. The plan is currently under review by Town staff. Upon completion of the review, the subdivision improvement plan and the request for the retaining wall height exception will be forwarded to the Planning Commission and City Council for review.

Cahill explained that in the process of reviewing the request for an extension, staff has discovered a sub-element to the General Plan that had been maintained in the Town's microfiche records but not in the Town General Plan document that is comprised of seven standard elements. This stand alone-element, was approved by the City Council in



1979 and is specific to the properties on Chaparral Way and has a direct bearing on the applicant's property. The element stipulates that conservation easements should be established over the following areas: natural drainage channels, heavily vegetated areas, land with a slope greater than 40% and wildlife trails.

Cahill noted that staff had considered requiring a conservation easement, which is consistent with the described General Plan criteria, as a condition of the extension. However, based on the City Attorney's opinion that a section of the Town's subdivision ordinance is not consistent with State law, they have determined that Council may not impose any new conservation easements or add any new conditions as a condition of approval of the extension. Staff is recommending that Council either approve or deny the extension.

#### OPENED PUBLIC COMMENT

Mark Helton, project Civil Engineer-Guiliani and Kull, addressed Council. They have been working diligently to complete the subdivision conditions of approval. Helton explained that he has met with staff to solve the retaining wall problem and he believes the solution will be acceptable but will require Planning Commission review. He noted that it is important that the design of the wall be "buildable" and aesthetically pleasing and not just an approved design that would later require a redesign. Helton added that the staff review, geologist review and revisions and the change in staff for Town Engineer had delayed the project.

Les Earnest, Dianne Drive, questioned whether there would be an opportunity to require pathway easements at this time.

Planning Director Cahill explained that pathways easements could be requested at the time that site development projects on the lots are submitted for approval.

Ray Collins, Open Space Committee, reported that the Committee unanimously agrees that conservation easements should be required on a portion of this property and are requesting the City Council deny the extension. She explained that the property clearly meets a majority of the criteria for conservation easements as defined in the Chaparral sub element of the General Plan. The Committee has walked the property and supports the location of the building pads however the Committee is concerned that the proposed road is on a water channel and drainage swale. In conclusion, Collins explained that they are recommending denial of the extension because: 1) they believe that there should be conservation easements on the property; and, 2) it should be consistent with the General Plan.

Patty Ceisla, Open Space Committee, spoke to two issues of concern on the property the oak woodlands and the slope. Ciesla had a presentation but due to equipment failure she was not able to show the overheads she had prepared. She explained that the stand of blue oaks that exist on the property are very slow growing and the contiguous stand is uncommon to the Town. The root system is very shallow and most likely the trees will perish from the required excavation for the road. She hoped Council would consider denying the extension and require the road be re-engineered to protect the habitat.

Carol Gottlieb, Summerhill Avenue, explained that she believed that the Planning Commission during the original review process had placed conservation easements on the property but that the City Council later accepted in lieu fees in exchange.

Nancy Horton, applicant, addressed Council. She has worked very hard on this project to ensure that the subdivision will be aesthetically pleasing. She believes that the walls will enhance the area. They will be constructed of a material that is tumbled block and looks like stone. Horton explained that at this time they are working to modify the construction of the walls to meet the Town Engineer's requirements. She noted that most of the property is unusable and they did not have any objections to the conservation easement requirements but because they were located in numerous small areas and they thought the money would be beneficial to the Town, they chose to pay the in lieu fee. Horton explained that she had forgotten about the Chaparral element until reminded by the Planning Director this week. She discussed the history of the property and development and shared a copy of a news article that had been written that had featured the lengthy process to build their home. Horton noted that there is no other location in Los Altos Hills with a similar element. At the time that the element was approved, three Councilmembers had a common boundary with their property and the article had referred to the element as "self-serving". She explained that she was providing this information as background and wanted Council to realize they strongly desire the subdivision to be beautiful and to be an asset to the community.

Nancy Ewald, Pathways Committee, questioned staff if the recommendation that was made by the Committee in January, 2001 was still applicable. Cahill commented that the City Council, at that time, had rejected the recommendation. He explained that he had spoken to a Committee member who had walked the property and felt there was no appropriate place for a path.

Nancy Horton, applicant, agreed that she could not think of any area on the property where an easement would connect to any pathway.

Ginger Summit, Pathways Committee, clarified where the recommended pathway easement had been located and appears on the draft path map (Section B3.6a) on the east boundary of the property that is shared with the Sisters of Charity.

Mark Helton, reiterated that pathway easements can be acquired at the time that houses are submitted for approval on the properties.

#### CLOSED PUBLIC COMMENT

Councilmember Fenwick asked for clarification from the Planning Director on what the consequences would be to the applicant if the extension request were denied by the Council.

Cahill explained that they would have to submit a new map and essentially start the process over.

Assistant City Attorney David Warner explained that even though the map expires on July 18, 2004, Council can continue the item for sixty days to a later meeting and revisit their decision to approve or deny the extension request.

Warshawsky explained that he is very sympathetic to the Horton's situation. Their map was approved two years ago and this should be a very simple request. Unfortunately, their land is very beautiful and adds so much to the Town and since the original approval, new information has come to light. Warshawsky added that he would like to take advantage of the sixty day window to review all options and see if the issues can be resolved and a compromise that is amenable to everyone can be reached. He noted that the building pads are appropriately located and it is just the conservation easements that need to be addressed.

Councilmember Fenwick suggested that the only reason for the Council to deny the extension is to acquire the conservation easements on the property adding that pathway easements can be required at the time of development. He would support approval of the extension request because the areas in question are not suitable for development.

Mayor Pro Tem Kerr expressed his hope that the applicant could review the requests for conservation easements in the areas of concern. This property warrants conservation easements. He noted that he could not support approving the extension at this time but he is interested in seeing the issues resolved and suggested that the decision be postponed to a future meeting.

Mayor O'Malley explained that he had voted in favor of the conservation easements when this project had been before Council for the original approval. He believed that the property warrants conservation easements and he would be in favor of having the applicant and staff work to resolve the issue and identify the conservation easements and return to the City Council in August for consideration of the extension request.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to continue the item for thirty days and to revisit the request for an extension at the August 19, 2004 meeting.

|          |  |
|----------|--|
| AYES:    | Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Cheng and Councilmember Warshawsky |
| NOES:    | Councilmember Fenwick  |
| ABSENT:  | None   |
| ABSTAIN: | None   |

## 6.2 Consideration of Proposal for the LAH-EOC Antenna Installation

City Manager Cassingham reported that before the Council was a proposal presented by the Town's Emergency Communications Committee for the installation of an antenna at the Town's Emergency Operations Center. She introduced Jim Abraham, Emergency Communications Committee Chairman for the presentation of the proposal.

Jim Abraham explained that the report before Council was very detailed and self explanatory and he was available to answer any questions.

Councilmember Fenwick reported that the Emergency Communications Committee had voted unanimously to support this project. It had been thoroughly reviewed and considered by the Committee.

**MOTION SECONDED AND CARRIED:** Moved by Fenwick, seconded by Cheng and passed unanimously to approve the proposal for the Town's Emergency Operations Center antenna installation.

6.3 Selection of Voting Delegate – League of California Cities Annual Conference-September, 2004

City Manager Cassingham reported that in the past, when a representative from the City Council has been unable to attend the League of California Cities Annual Conference, Council has appointed her as their voting delegate. She added that if any Councilmember is considering attending the Conference, Council might want to consider designating them as the voting delegate.

Mayor O'Malley will review his schedule to see if it is compatible with attendance at the League conference. The City Manager will be the voting delegate in the absence of any Councilmember's attendance.

6.4 Consideration of Amicus Curiae Letters to the California Supreme Court-Town of Tiburon (Urgency Item)

Assistant City Attorney David Warner reviewed the request before Council from the Town of Tiburon's attorney. He explained that it involves the question of the authority of a JPA over the traditional power of cities and towns to control land use within their borders. They are seeking a letter from the City Council asking the Superior Courts to grant a review of the case.

Council discussion of the issue ensued and they concurred that they would support the request from Tiburon.

**MOTION SECONDED AND CARRIED:** Moved by Fenwick, seconded by Warshawsky and passed unanimously to send the amicus curiae letter as requested by the Town of Tiburon.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Fenwick reported that he had attended the Emergency Communications Committee meeting.

Mayor Pro Tem Kerr reported that he and Councilmember Cheng had attended a meeting at Foothill College to discuss local government and public agency issues. At the meeting, a future forum to discuss public sector benefit costs sponsored by the College and the Town of Los Altos Hills was proposed and he would like to agendize discussion of this proposal for the next Council meeting.

City Manager Cassingham commented that staff has been working with a Bay Area Medical Review Group that is being led by the City of Milpitas. Approximately ninety six (96) public agencies are joining together to seek other options from the Cal-Pers Health benefits program and that information will be provided to Council for this item.

Councilmember Cheng reported that she had attended a gathering of residents from the Campo Vista and surrounding neighborhoods that are concerned with the Pinewood School application at the Winbigler property.

Roger Burnell, Public Education Committee, distributed to Council a proposal that had been approved unanimously by the Committee with the request that Council take positive action on the proposal for revisions to the Land Use Element of the General Plan and to the Zoning Ordinance. The Committee is requesting that Council direct staff to pursue their recommendations further and report back. Burnell reviewed the proposal with Council. He expressed his concern that this was a time sensitive issue and the Committee is requesting a review of the General Plan of primarily the areas that pertain to education and the definition of what is a school and the distinction between public and private schools.

Planning Director Cahill explained that it might be appropriate to direct staff to review the language found in the zoning and general plan to see if there would be an easy resolution to the ambiguity that exists and to return to Council with a report.

PASSED BY CONSENSUS: To direct staff to return to Council with a report on the Public Education Committee's request.

Council thanked Burnell.

## 8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

## 9. COUNCIL-INITIATED ITEMS

None

## 10. PRESENTATIONS FROM THE FLOOR

Frank Lloyd, Brendel Drive, Finance and Investment Committee member, spoke to the proposed undergrounding utility pilot project. He expressed his concern with the option of the Town participating in the costs but he did support a neighborhood paying for the project and supplementing the cost with the PG&E funds.

Libby Lucas, Los Altos resident, reported that the Los Altos School Board had met at noon today and approved the contract to remove redwood and douglas fir trees at the Egan school site at the cost of \$660,000. Lucas added that the purported purpose of removing the trees is to facilitate a better sport and playing fields. She noted that the issue of the Charter School was not discussed at the meeting.

Jim Abraham, Viscaino Road, requested that Town staff review the placement of the palms on the Fremont Road path in front of the Wadhwani residence and to verify the setback of the pathway from the road.

Carol Gottlieb, resident, thanked the Town crew for their work in clearing the pathway for the Town picnic walk. Gottlieb suggested that staff and Council should consider writing letters to residents asking them to keep their paths clear of brush and foliage.

Jenny Mak, Moody Road, voiced her concern about the removal of Oak trees on the Horton project. She would like assurances that large replacement trees would be planted.

Staff was directed to work with Mak to address her concerns about the construction project.

11. PUBLIC HEARINGS

None

12. ADJOURNMENT

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by Cheng and passed unanimously to adjourn the City Council meeting at 9:20pm.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the July 15, 2004 Regular City Council Meeting were approved as presented at the August 19, 2004 Regular City Council Meeting.